

EXHIBIT 29



Neutral

As of: January 28, 2024 3:37 PM Z

SEC v. Alpha Telcom, Inc.

United States District Court for the District of Oregon

February 7, 2002, Decided

Civil Action No. CV 01-1283 PA

Reporter

2002 U.S. Dist. LEXIS 2597 *

SECURITIES AND EXCHANGE COMMISSION, Plaintiff, v. ALPHA TELCOM, INC., an Oregon Corporation; AMERICAN TELECOMMUNICATIONS COMPANY, INC., a Nevada Corporation; STRATEGIC PARTNERSHIP ALLIANCE, LLC, a Nevada Limited Liability Company; SPA MARKETING, LLC, a Nevada Limited Liability Company; PAUL S. RUBERA; ROBERT A. MCDONALD; ROSS S. RAMBACH; and MARK E. KENNISON, Defendants.

Subsequent History: Injunction granted at [SEC v. Alpha Telcom, Inc., 187 F. Supp. 2d 1250, 2002 U.S. Dist. LEXIS 2617 \(D. Or., Feb. 7, 2002\)](#)

Motion denied by [SEC v. Alpha Telcom, 2002 U.S. Dist. LEXIS 30670 \(D. Or., June 24, 2002\)](#)

Related proceeding at [Tummino v. United States, 2009 U.S. Dist. LEXIS 146150, 2009 WL 10733612 \(D. Or., Jan. 8, 2009\)](#)

Related proceeding at, Magistrate's recommendation at [Bustos v. Lennon, 2012 U.S. Dist. LEXIS 193229 \(W.D. Tex., May 18, 2012\)](#)

Disposition: [*1] Receiver's Renewed Motion to Approve Receiver's Consent to Entry of Final Judgments to Judgment granted with respect to Alpha Telcom, Inc., and denied as moot with respect to the other corporate defendants.

Core Terms

final judgment, renew a motion, moot, adverse judgment, recommendations

Counsel: KAREN MATTESON, RAMON PACK, III, SPENCER E. BENDELL, Securities and Exchange Commission, Los Angeles, CA, for Plaintiff.

J.B. GROSSMAN, ALICIA LYONS LAUFER, Adorno & Zeder, P.A., Boca Raton, FL, for Alpha Telcom, Inc.

RICHARD M. LAYNE, Layne & Lewis LLP, Portland, OR, for Alpha Telcom, Inc.

ROBERT C. WEAVER, JR., CHRISTIAN A. HATFIELD, Garvey Schubert & Barer, Portland, OR, for Paul S. Rubera, Defendant.

CARTER M. MANN, PAUL B. GEORGE, Foster Pepper & Shefelman, Portland, OR, for Receiver.

DAVID R. ZARO, Allen Matkins Leck Gamble & Mallory LLP, Los Angeles, CA, for Receiver.

DAVID OSIAS, Allen Matkins Leek Gamble & Mallory, San Diego, CA, for Receiver.

Judges: HONORABLE OWEN M. PANNER, UNITED STATES DISTRICT JUDGE.

Opinion by: OWEN M. PANNER

Opinion**OPINION AND ORDER**

PANNER, J.

Pending before this Court is the Receiver's Renewed Motion to Approve Receiver's Consent to Entry of Final Judgment to Judgment. The Receiver was properly appointed [*2] in the TRO and Preliminary Injunction to, among other things, take full power over the corporate defendants' assets, to conduct accountings and investigations, and to make recommendations to this Court. As part of those duties, the Receiver recommends that Alpha consent to judgment rather than have an adverse judgment, including a judgment based on fraud, be entered against it. The motion will be granted as it pertains to defendant Alpha Telcom, Inc. (Alpha), and denied as moot with respect to the other corporate defendants.

The Receiver filed a similar motion which was previously granted by this Court, and judgment was entered against Alpha. However, upon further deliberation and upon the Emergency Motion of Alpha's counsel, J.B. Grossman, prior to trial, the judgment was set aside. Alpha, through its independently retained attorney Mr. Grossman, presented evidence alongside Defendant Paul Rubera at trial. A joint defense was put on by Alpha and Rubera. Rubera was ably represented by Mr. Robert Weaver.

A district court has "broad powers and wide discretion to frame the scope of appropriate equitable relief." [*SEC v. United Financial Group, Inc.*, 474 F.2d 354, 358-59 \(9th Cir. 1973\)](#). [*3] After considering the evidence and testimony submitted at trial, I have now decided to grant the Receiver's renewed motion. Adverse findings of fact and conclusions of law have been entered today against Defendant Rubera. The effect of granting the motion is to authorize the Receiver to settle with the SEC on behalf of Alpha rather than having an adverse judgment entered against Alpha.

To the extent the Receiver's Renewed Motion requests similar relief with respect to the other corporate defendants in this case, the motion is denied as moot. The Receiver's authority to consent on behalf of those defendants was previously granted, and the final judgments as to those defendants were not disturbed when the judgment against Alpha was set aside.

CONCLUSION

Accordingly, it is ordered that the Receiver's Renewed Motion to Approve Receiver's Consent to Entry of Final Judgments to Judgment (# 150) is granted with respect to Alpha Telcom, Inc., and denied as moot with respect to the other corporate defendants. A Final Judgment of Permanent Injunction and Other Relief against Defendant Alpha Telcom, will be entered by separate document.

DATED this 7th day of February, 2002.

/s/ Owen M. Panner

[*4] UNITED STATES DISTRICT JUDGE